

Decision No. 28385

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC GAS AND ELECTRIC COMPANY, a
corporation, for an order of the
Railroad Commission of the State of
California, granting to applicant a
certificate of public convenience
and necessity, to exercise the right,
privilege and franchise granted to
applicant by Ordinance No. 263 of the
City Council of the Town of Emeryville,
Alameda County, State of California.

ORIGINAL

Application No. 20910

BY THE COMMISSION:

O P I N I O N

In this application Pacific Gas and Electric Company asks the Commission to make its decision and order granting to applicant a certificate declaring that public convenience and necessity require and will require the exercise by applicant of the right, privilege and franchise granted to it by Ordinance No. 263 of the City Council of the Town of Emeryville, County of Alameda, a copy of which is marked Exhibit "A" and annexed to and made a part of the application.

Applicant alleges that it is now, and for more than twenty years last past has been furnishing gas service to said Town and its inhabitants under and pursuant to the franchise granted by the provisions of Section 19 of Article XI of the Constitution of the State of California as it existed prior to the amendment adopted October 10, 1911.

Applicant further alleges that the present and future public convenience and necessity require and will require that

it exercise the right, privilege and franchise granted to it by the aforesaid Ordinance No. 263 in order that applicant may continue to furnish and supply gas to said Town and the inhabitants thereof for all lawful purposes.

Applicant further alleges that no person, firm or public or private corporation, other than applicant, is now engaged in the public utility business of furnishing, distributing or selling gas for light, heat or other purposes to said Town of Emeryville or the inhabitants thereof.

Applicant has stipulated to the effect that it, its successors or assigns will never claim before the Railroad Commission of the State of California, or before any court or other public body, any value for the aforesaid franchise in excess of the actual cost thereof, which cost is \$4,262.00 exclusive of the Commission's \$50.00 filing fee.

It is the opinion of the Commission that this application should be granted and that a public hearing in the matter is not necessary.

O R D E R

Pacific Gas and Electric Company having applied to the Commission for an order granting to applicant a certificate declaring that public convenience and necessity require and will require the exercise by applicant of the right, privilege and franchise granted to it by the Ordinance described in the foregoing Opinion, the Commission having considered the matter and being of the opinion that the application should be granted,

The Railroad Commission of the State of California
Hereby Orders and Declares that public convenience and necessity require and will require the exercise by Pacific Gas and Electric

Company of the right and privilege under the franchise granted to it by Ordinance No. 263 of the City Council of the Town of Emeryville, County of Alameda as fully set forth and described in Exhibit "A" attached to and made a part of the application herein, and that a certificate of public convenience and necessity authorizing such exercise be and it is hereby granted to applicant.

The effective date of this Order is the date hereof.

Dated at San Francisco, California, this 21st day of December, 1936.

M. B. Lewis

Leon Andrew

W. H. ...

Commissioners